3.10 AGRICULTURAL RESOURCES

This section discusses the existing agricultural resources on the Dutch Slough Restoration Project and Related Projects sites and vicinity, and describes potential impacts to agricultural resources from those projects. The section includes an analysis of the conversion of prime/unique farmland and farmland of statewide or local importance to non-agricultural uses.

3.10.1 Affected Environment

SITE SOILS AND TOPOGRAPHY

The City of Oakley is on flat land that gently slopes north to the Delta. There are no significant hillsides or ridges. Oakley soils are comprised primarily of lowland soil associations, with some tidal flat-delta-marsh lowland along the northern boundary of the City. The lowland soil associations are slowly to very slowly permeable, highly expansive and corrosive with slight erosion hazards. The tidal flat-delta-marsh lowland soils are highly expansive, very highly corrosive and moderately to slowly permeable. Most of Oakley is composed of Class II Delhi sand, described by the U.S. Soil Conservation Service as "excessively drained soils" where runoff is slow or very slow. Delhi sand is used to grow irrigated almonds, vineyards and other fruit crops, and some walnuts (City of Oakley General Plan 2002)

The topography and soils of the Dutch Slough and Ironhouse sites are unusually diverse relative to other lands in the Delta. Site elevations range from ten feet below sea level to fifteen feet above sea level. Approximately one-third of the northern end of the project site is subsided; as a consequence, the groundwater table is high, making it difficult to farm due to wet soil conditions most years. The sites encompass ten different types of organic and mineral soils.

The Dutch Slough Restoration Project and Related Projects sites total approximately 1,373 acres of land, of which approximately 1,274 acres (93%) are classified as prime/unique farmland and farmland of state/local importance as detailed in Table 3.10-1 and Figure 3.10-1. Definitions for the classifications are below the Project Site Classifications, Table 3.10.1. The related City Community Park Project and Ironhouse Project include another approximately 188 acres, of which approximately 144 acres fall into the above agricultural land categories.

The natural deposition of soils from Marsh Creek provided a rich base for growing crops suitable for some farming operations. However, as these soils came under frequent cultivation and dry conditions, the top peat layers were eroded due to oxidation and wind erosion, resulting in subsidence. These soils also supported natural riparian habitats and wetlands that are known to act as beneficial filters to reduce biological and chemical contaminants, resulting in fewer water quality impacts to drinking and recreational water sources.

The United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) uses two systems to determine a soil's agricultural productivity: the Soil Capability Classification and the Storie Index Rating System. The Farmland Mapping and Monitoring Program (part of the California Department of Conservation, Division of Land Resource Protection) uses the information from the USDA and the NRCS to create maps that illustrate the types of farmland in the area.

HISTORICAL AGRICULTURAL USES

Historic agricultural use of the Dutch Slough Restoration Project and City Community Park Project sites included dairies and a small vineyard. Currently the only agricultural uses are cattle grazing and the vineyard. The sites' past agricultural uses were primarily as dairy ranches; the last dairy ranch on the site closed in 2002. The Ironhouse Project site also was historically grazing land.

Agriculture has been a predominant industry in Contra Costa County. In the eastern portion of the County (East County), where the Dutch Slough and Related Project sites are located, for decades vegetable row crop farms (tomato, asparagus, sweet corn, squash, and beans) produce significant annual sales, as do wine grapes. The East County has the largest concentration of small and medium-sized orchards, with apricot, apple, and walnut crops. Agricultural lands and corresponding production have decreased due to urbanization since 1940. Both rangelands and field crops have been reduced by more than half since that time.

As described in the Oakley General Plan, Oakley has historically been an agricultural community, with a wide variety of agricultural crops (City of Oakley 2002). Within Oakley, agricultural uses include equestrian and livestock enterprises, as well as row crops, vineyards and orchards. Much of the land used for agriculture has been developed into urban uses, or is planned for development in the future. While the City recognizes the historic role of agriculture within the Oakley community and supports continued agriculture, the transition from agriculture to urban uses limits the potential for large-scale commercial agriculture within Oakley's urban areas.

SITE SOILS

The Dutch Slough Restoration Project and Related Project sites total approximately 1,373 acres of land, which approximately 1,274 acres (93%) are classified as prime/unique farmland and farmland of state/local importance as detailed in Figure 3.10-1 and Table 3.10-1. An additional 39.5 acres of water features are located on the three project sites. Definitions for the classifications are provided below.

Prime Farmland (P). Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance (S). Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland (U). Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Local Importance (L). Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land (G). Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres. Due to variations in soil quality, smaller units of Grazing Land may appear within larger irrigated pastures.

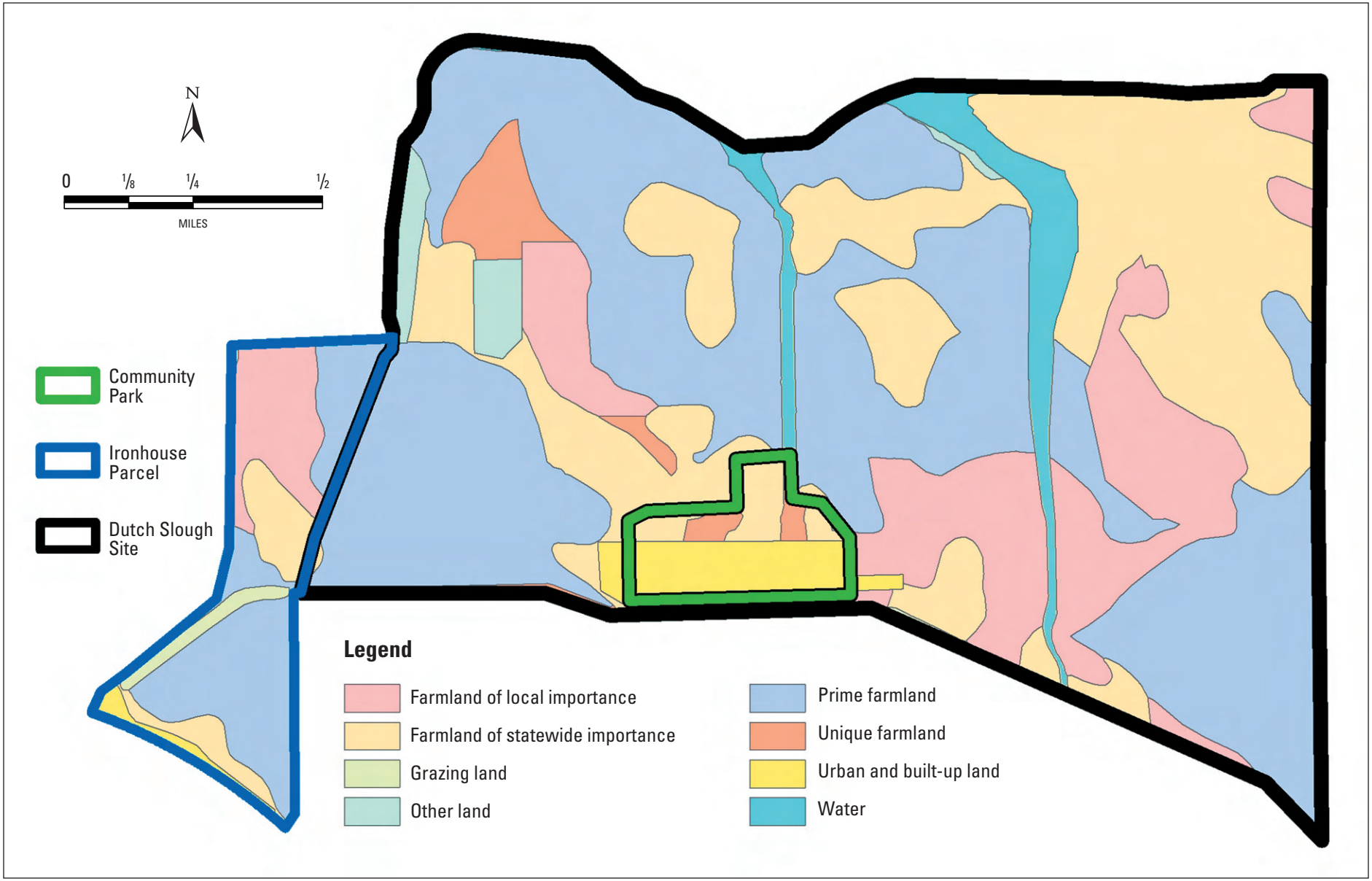

Figure 3.10-1

Project Site Agricultural Lands

Source: Farmland types from FMMP

Table 3.10-1 Agricultural Land Classifications for Dutch Slough Restoration Project and Related Sites

Classification	Dutch Slough Restoration Project (acres)	Related Projects		Total (acres)
		Ironhouse Project (acres)	City Community Park Project (acres)	
Prime Farmland	563.1997	68.0935	0.2920	631.5852
Farmland of Statewide Importance	349.5418	21.9920	16.5241	388.0579
Farmland of Local Importance	184.4406	30.5443	0.1236	215.1085
Unique Farmland	32.8496	0.0	6.0850	38.9346
Grazing Land	21.4449	6.3055	0.6052	28.3556
Other Land	25.4221	1.1762	0.0	26.5983
Urban and Built-Up Land	8.4143	6.2947	29.8338	44.5428
Water	39.5319	0.0	0.0	39.5319
Total	1224.8449	134.4062	53.4637	1412.7148

Source: California Department of Conservation 2006a.
Note: All area measurements are exclusive.

Urban and Built-up Land (D). Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Other Land (X). Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Water (W). Perennial water bodies with an extent of at least 40 acres.

Regulatory Framework

CONTRA COSTA COUNTY URBAN LIMIT LINE/LAND PRESERVATION PLAN (65/35)

The Contra Costa County General Plan, limits urban development within the county to no more than 35 percent of land within the county; all of this land is outside of the urban limit line (ULL). Land within the ULL is designated for development; the remaining 65 percent of the land is to be

preserved for agriculture, open space, wetlands, parks and other non-urban uses. The Dutch Slough Restoration Project Site and the City Community Park Project site are within the ULL, while the Ironhouse Project site is outside the ULL (Contra Costa County 2000a, 2000b).

CITY OF OAKLEY AGRICULTURAL LANDS POLICIES

The area of the proposed project is zoned Public/Semi-Public and Delta Recreation (see discussion below). Most cultivated agricultural lands in Contra Costa County are primarily in the far eastern portions of the county, in and around an area designated in the County General Plan as AC (Agricultural Use). Agricultural lands in the northeastern part of the County, where the project is located, have been rapidly converting to urban development.

Use of the Dutch Slough site as a restoration/recreation area is contemplated in the development of the City of Oakley General Plan (City of Oakley 2002). The General Plan recognized that the prior owners of the Dutch Slough Restoration Project site applied (to CALFED) for funding to establish a substantial wetland restoration area within the Dutch Slough area. Based upon this application and presentations by the property owner's representative, the City removed the urban land use designations from lands located north of the Contra Costa Canal within the Dutch Slough area. The Delta Recreation designation is intended to ensure the preservation of open space within the area, while providing the opportunity for enhancement of biological resources and development of passive recreational activities.

Chapters 6 and 7 of the General Plan provides use of the Dutch Slough Restoration Project site for anticipated open space and recreational needs of the community. The relevant policies include:

> 6.3.4 Encourage preservation and enhancement of the natural characteristics of the San Joaquin Delta and Dutch Slough in a manner that encourages public access."
>
> 6.6.1 Encourage public access in multiple forms and improvements along the City's waterways, particularly the San Joaquin Delta, Marsh Creek and Dutch Slough.
>
> 7.4.3 Manage shoreline and regional parks along Oakley's waterfront such as the Big Break and Dutch Slough shoreline in a manner that provides for appropriate public access and enhances the natural environment.

In a similar vein, the General Plan proposed a program to acquire and develop lands situate in the Dutch Slough area for recreational uses:

> 7.4.C Pursue public and private partnerships needed to acquire necessary land and to improve a public or private/public commercial recreation area at Dutch Slough.

The City, in its General Plan 2020, recognizes the benefits of maintaining agricultural land uses in the community. Agriculture contributes to the rural character of the community, maintains land as primarily open space, and reduces further degradation of the natural environment.

The City's General Plan and the program environmental impact report were prepared concurrently to allow the Plan to mitigate for the impacts associated with the land use policies developed under the Plan. The Mitigation and Monitoring Reporting Program adopted for the General Plan provides that the mitigation measures are incorporated into the Plan itself. The EIR evaluated the loss of agricultural lands that will result from land use patterns identified in the plan (Impact 3.5.C). The EIR noted conversion of this area is consistent with prior planning by Contra Costa County with developed an urban limit line with a 65/35 Land Preservation standard.

The City's EIR recognizes that due to a lack of large contiguous agricultural land blocks and several other economic and logistic constraints, commercial agricultural production with city's planning area has become less viable. Agricultural lands in the City of Oakley are planned for and accommodated in three General Plan land use designations: Agriculture, Agricultural Limited, and Delta Recreation. The City of Oakley's General Plan 2020 (City of Oakley 2002) identifies the Land Use Designation for the Dutch Slough Restoration Project site as Delta Recreation, the City Community Park Project site as Parks and Recreation, the Ironhouse Project site as Public/Semi-Public, and Marsh Creek as Waterways. The Delta Recreation land use designation encompasses the lowlands of the San Joaquin Delta at the City's northern edge, most of which is located within the 100-year floodplain. The most appropriate land uses in this designation include agriculture, low intensity recreation and wildlife habitat. The Plan provides for a "Community Waterfront Vision." This vision includes the Dutch Slough wetlands preserve (page 7-35 of the General Plan; http//cityofoakley.org/ subPage.cfm?page=572363).

The City of Oakley and DWR entered into a memorandum of understanding that provides for the agencies to partner on mutually beneficial issues such as trail improvements, dedication of a regional park site, and enhancement of public access to the Delta, in addition to promoting restoration of wildlife values within Oakley. (General Plan page 7-15)

The following applicable goals and policies are from the Oakley 2020 General Plan (Oakley 2002):

Goal 6.1 Allow agriculture to continue as a viable use of land that reflects the community's origins and minimizes conflicts between agricultural and urban uses.

POLICIES

6.1.1 Participate in regional programs that promote the long-term viability of agricultural operations within the City

6.1.2 Reduce the negative impacts resulting from urban uses and neighboring agricultural uses in close proximity

6.1.4 Incorporate parks, open space and trails between urban and agricultural uses to provide buffer and transition between uses.

The General Plan EIR concludes that the Oakley Planning Area falls in the thirty-five percent that is designated for development under the county plan. In addition, currently agricultural resources are fragmented and commercial agriculture is substantially compromised. The General Plan accommodates limited agriculture, while providing for urban needs of the City. The EIR determined that incremental environmental effect of the General Plan on agriculture is less than significant upon implementation of the previously mentioned Policies and Programs. (City of Oakley EIR 2002, p. 3-77).

FEDERAL AND STATE FARMLAND PROTECTION POLICIES

WILLIAMSON ACT

The California Land Conservation Act, better known as the Williamson Act, has been the state's primary agricultural land protection program since its enactment in 1965. The Act preserves agricultural and open space lands by discouraging premature and unnecessary conversion to non-agricultural uses through an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open space uses. The contract is a rolling 10-year term contract that automatically renews annually unless either party files a "notice of non-renewal". In return, these parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. There are no Williamson Act lands within the project site (California Department of Conservation 2006b) or on the City park or Ironhouse Project sites.

NATIONAL FARMLAND POLICY

Loss of farmland is an important concern that is captured by the development of federal, state and local policies calling for protection of Prime, Unique or Statewide Important Farmland. Under the Federal Farmland Protection Policy Act (FPPA)(Subtitle I of Title XI, Section 1539-1549), projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by, or with the assistance of, a federal agency. However, as the U.S. Department of Agriculture's Farmland and Conversion Impact Rating form advises, "The purpose of the rating process is to insure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal Government...Accordingly, a site with a large quantity of non-urban land surrounding it will receive a greater number of points for protection from development." The form advises that the "LESA system (Land Evaluation-Site Assessment) is used as a tool to help assess the options for land use on an evaluation of productivity weighed against *commitment to urban development*." (USDA Farmland Conversion Impact Rating Form AD-1006 (10-83) at pages 4 and 7. Emphasis added.)

The Federal (FFPPA) or state (LESA) farmland evaluation and assessment reviews can help in determining whether a project has an impact on agricultural land but it is not designed to determine environmental impacts. The LESA model distinguishes between land committed to nonagricultural use by virtue of development and protection of resource lands that are compatible or supportive of agricultural uses of land.

STATE POLICY WITH RESPECT TO AGRICULTURAL LAND USES

Under Public Resources Code Section 21095(a), the California Resources Agency was required to develop optional methodology that considers the impacts on the environment from the conversion of agricultural land to non-agricultural uses. The California Department of Conservation developed a LESA model to evaluate agricultural conversions, which was incorporated into the CEQA guidelines (Appendix G) as an optional tool under the law. However, an analysis conducted by the California Resources Agency found the LESA model poorly suited to evaluating impacts to agriculture from habitat projects because "wildlife habitat and other open space lands are specifically considered consistent with agricultural land uses in the model". (Resources Agency 2006).

In applying the California LESA model the proposed project would not qualify as "Land Committed to Nonagricultural Use", because such land is designated as having received discretionary *development* approvals such as a tentative subdivision map, tentative or final parcel map, or recorded development agreement. (Department of Conservation California Agricultural LESA Model 1997

Instruction Manual (Manual) at page 26). In contrast, the proposed project falls within the California LESA model definition of "protected resource lands." The model defines protected resource lands as "those lands with long term use restrictions that are compatible with or supportive of agricultural uses of land. Included among them are the following: publicly owned lands maintained as park, forest, or watershed resources; and lands with agricultural, wildlife habitat, open space, or other natural resource easements that restrict the conversion of such land to urban or industrial uses" (Manual at page 28).

LESA MODEL RESULTS AND THE SITE'S AGRICULTURAL VIABILITY

A California Agricultural Land Evaluation and Site Assessment (LESA) computation was done for the site. As authorized by SB 850, the Resources Agency allows lead agencies to use this model to evaluate the impact of agricultural conversion on the environment Nonetheless, given the uncertainty concerning the state of law regarding impacts to agricultural resources, the LESA analysis was performed to fully inform the lead agency concerning the potential impacts to agriculture.

The LESA model allows evaluation of a site on the bases of soil capability, storie index, site size, availability of water resources, surrounding agricultural lands, and protected resources lands. These factors are grouped into two overall categories for rating, each accounting for 50% of the score: Land Evaluation (soil and farmland quality) and Site Assessment (availability of water, surrounding farm lands, compatible land uses). In general, projects will receive a LESA score sufficiently high to register as a "Significant" impact if the parcels can support economically viable agricultural operations.

The LESA model results in scores up to 100; sites with scores of under 39 are not considered significant agricultural resources. Impacts of conversion of sites with scores from 40 to 59 points are considered significant only if the Land Evaluation and Site Assessment scores are both over 20. The total LESA score for the project site was calculated to be 54, with both the land evaluation portion and site assessment portions scoring more than 20 (the threshold for significant agricultural lands). However, as described in the impact analysis, below, the project sites are not considered to have the potential to support current or future economically viable agricultural operations. A high LESA score in this case does not demonstrate environmental importance.

Because the project area is within the urban limit line several large housing developments are proposed, approved, or under construction to the east and south of the project site. Accordingly future use of this land for agriculture would be difficult or costly. Costs for maintaining levees and electricity and irrigation systems would likely exceed the value of farming revenue because such conversion would include a need to rebuild levees to current flood protection standards, or a 300-year flood event. The construction of these new levees (about $2- 3 million/mile) would far exceed the value of any crops grown and harvested within the perimeter of the levees, which of themselves would require additional farmland in order to be constructed (i.e., setback).

In addition, associated nuisances such as noise, dust, odors, and the use of farming chemicals would be incompatible with uses at the City Community Park Project and residences adjacent to the site. Public recreation and trails around the site would also compromise any future farming operations. Maintaining the existing, isolated, 14-acre vineyard is not economically or technically viable. The high maintenance activities of this crop and transportation of a minimal harvest would incur additional overhead costs.

CONSIDERATION OF APPLICABLE CALFED MITIGATION STRATEGIES

The CALFED Programmatic EIR included a large number of mitigation strategies to reduce impacts on agricultural lands. These are summarized in the CEQA Findings of Fact for approval of the CALFED Program (August 28, 2000), and include avoiding or minimizing impacts to agricultural lands by prioritizing developing new habitat on degraded, public, or other non-agricultural lands, obtaining easements on existing agricultural lands, acquiring lands in agricultural preserves, and using farmer-initiated restoration projects as a means of reaching program goals, among others. Each of these proposed mitigation strategies has been evaluated by the city and county in their land use planning policies and resulted in the identification of these lands in the City of Oakley General Plan 2020 and the Contra Costa General Plan as appropriate for restoration/open space uses.

The CALFED Final PEIS/EIR recognized that the Preferred Program Alternative could have potentially significant effects on agricultural land and water use. The CALFED Final PEIS/EIR specifically identified potential effects of converting Prime, Statewide Important and Unique Farmland to project uses. It also identified potential conflicts with local government plans and policies and potential incompatibilities with adjacent land uses. As a result, the CALFED Program developed mitigation strategies to reduce potential impacts to agricultural land and water use.

The Dutch Slough Restoration Project has been designed to meet CALFED Program objectives and to be consistent with the mitigation strategies adopted as part of the CEQA Findings for the approval of the CALFED Program. A review of Section 7.1, "Findings on Specific Impacts and Mitigation Measures: Potentially Significant Adverse Impacts on Agricultural Land and Water Use Associated with the Preferred Program Alternative" resulted in identification of a number of mitigation strategies (described below) that have been incorporated into the design of this proposed habitat restoration project:

IMPACT 1. CONVERSION OF PRIME, STATEWIDE IMPORTANT, AND UNIQUE FARMLAND TO PROJECT USES.

MITIGATION STRATEGY 4:

If public lands are not available for restoration efforts, focus restoration efforts on acquiring lands that can meet ecosystem restoration goals from willing sellers where at least part of the reason to sell is economic hardship (i.e., lands that flood frequently or where levees are difficult to maintain).

The public lands on which the proposed Dutch Slough Restoration Project and City Community Park Project are planned for implementation were acquired from willing sellers where at least part of the reason for selling was economic. Dairying was no longer considered economically viable on the site, and development pressures were mounting towards conversion to residential as the most likely future economic use of the property. The Ironhouse Sanitary District has stated that it will no longer need its restoration site parcel for spray irrigation of effluent. Therefore, the proposed habitat restoration and park projects are consistent with Mitigation Strategy 4.

MITIGATION STRATEGY 15. *Use a planned or phased habitat development approach in concert with adaptive management.*

As detailed in Chapter 2, Project Description, Dutch Slough Restoration Project is carefully designed and will be managed under an adaptive management framework. Therefore, the proposed habitat restoration projects are consistent with Mitigation Strategy 15.

MITIGATION STRATEGY 16: *Minimize the amount of water supply required to sustain habitat restoration acreage.*

The proposed habitat restoration projects would significantly reduce the volume of water needed for irrigation. A minimal amount of water would temporarily be needed to establish upland habitat and some wetlands before tidal influence is restored. (Some irrigation would be required for the City Community Park Project.) Therefore, the proposed habitat restoration projects are consistent with Mitigation Strategy 16.

MITIGATION STRATEGY 17: *In implementing levee reconstruction measures, work with landowners to establish levee reconstruction methods that avoid or minimize the use of agricultural lands.*

The Dutch Slough Restoration Project would locate a new levee on approximately 14 acres of agricultural lands. Reconstructed levees would be placed on the sites of existing levees. Therefore, this proposed habitat restoration project is consistent with Mitigation Strategy 17.

MITIGATION STRATEGY 23: *Dredged materials will be analyzed, dredged, and handles in accordance with permit requirements. Permits will incorporate mitigation strategies identified in Section 5.3 [of the Calfed ROD] to prevent release of contaminants of concern.*

Any dredged materials to be used in Dutch Slough Restoration Project construction will be tested and handled in accordance with permit requirements, as described in Section 3.15 of this EIR. Therefore, this proposed habitat restoration project is consistent with Mitigation Strategy 23.

"NO BURROUGHS" OPTION

In this option, the Burroughs parcel would not be restored to tidal marsh, and would remain as terrestrial habitat. No farmland would be converted in this option, and existing land uses would not change significantly. Exercising this option would result in the preservation of approximately 90 acres of Farmland of Local Importance, 190 acres of Farmland of Statewide Importance, and 140 acres of Prime Farmland.

IMPACT 2. CONFLICTS WITH LOCAL GOVERNMENT PLANS AND POLICIES.

Mitigation Strategy 1*: Implement features that are consistent with the local and regional land use plans.*

As described in Section 3.9, Land Use, the proposed Dutch Slough Restoration and Related Projects would be consistent with local and regional land use plans. Therefore, the proposed Dutch Slough Restoration and Related Projects are consistent with Mitigation Strategy 1.

Mitigation Strategy 2: *Involve all affected parties, especially landowners and local communities, in developing appropriate configurations to achieve optimal balance between resource effects and benefits.*

As described in Sections 1.2.1 and 1.5 of this EIR, the Dutch Slough Restoration Project included extensive public outreach and coordination with landowners, local communities, other public agencies, and the public in order to develop a set of project alternatives that optimized the balance between competing resources interests. Therefore, these proposed habitat restoration projects are consistent with Mitigation Strategy 2.

IMPACT 3. CONFLICTS WITH ADJACENT LAND USES.

Mitigation Strategy 1: *Develop buffers and other tangible support for remaining agricultural lands. Vegetation planted on these buffers should be compatible with farming and habitat objectives.*

The proposed Dutch Slough Restoration Project and Related Projects have been designed to serve as a buffer between encroaching residential land uses and agricultural lands to the north and east. The project's tidal and upland restoration activities would be compatible

with those land uses. Therefore, this proposed habitat restoration projects are consistent with Mitigation Strategy 1.

Mitigation Strategy 5. *Implement seepage control measures.*

As described in Chapters 3.1 Hydrology, and Geomorphology, and 3.2, Water Quality, the Dutch Slough Restoration Project includes levees designed to minimize seepage onto adjacent residential parcels. Therefore, this proposed habitat restoration projects are consistent with Mitigation Strategy 5.

3.10.2 Impacts and Mitigations

Significance Criteria

Appendix G of the CEQA Guidelines indicates that a project could have a significant impact on the environment if it would:

A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;

B. Conflict with existing zoning for agricultural use, or a Williamson Act contract.

C. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Alternative 1: Minimum Fill

IMPACT 3.10.1-1: CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE SPACE AND RECREATIONAL USES: DUTCH SLOUGH RESTORATION PROJECT (ALL OPTIONS) AND RELATED PROJECTS

Under Alternative 1, minimal grading would occur; approximately 190,000 cubic yards of soil would be graded for levee construction on the Dutch Slough Restoration Project site. Approximately 480 acres would be converted to open water, 440 acres to marsh, and 180 acres would be uplands. Therefore, of those uses, only the uplands could potentially be reverted to agricultural uses; the remaining 920 acres would be lost due to filling and submersion. Although it would be technically possible to build new levees and re-drain the site for use as agricultural lands, this would not be considered feasible from a regulatory and economic perspective.

The 100-acre Ironhouse parcel may be stripped of 500,000 to 600,000 cubic yards (1 –3 fee deep) of soil and mostly converted to wetlands, so most or all of that parcel also would be permanently removed from agricultural use.

The City Community Park Project would convert an additional 53 acres (including irreversible conversion of land for infrastructure such as parking lots, restroom facilities, trails, and park facilities), however most of this land is currently not classified as agricultural land.

The Resources Agency memorandum notes that CEQA documents for Resources-related projects should include an evaluation of the social and economic consequences of the conversion, and identify the steps that the agency has taken in designing the project to minimize such consequences. (Memo to Resources Agency Departments from Mike Chrisman, Secretary for Resources, April 12, 2005). The agricultural economic potential of the site is limited as evidenced by the market-place decision of the landowners to discontinue the dairy operation. Further, encroaching residential

development, as described in Section 3.9 on adjacent parcels make agricultural operations in this area difficult. As described above, large numbers of single family residences are under construction directly south of the site, and thousands of residences have been approved for the property to the east of the site. The western portion of the site abuts a sewage treatment plant's spray field, which is used for agriculture, and the northern side abuts Dutch Slough. Continued use of the site as a dairy would generate odors that would conflict with these surrounding residential land uses. Other large-scale agriculture with the concomitant use of heavy equipment and pesticides are also impacted by the surrounding land uses.

The removal of the Dutch Slough site (as well as the Related Project sites) from agricultural production would not stimulate further conversion of agricultural lands because the project site is within the Urban Limit Line and the last privately held parcel of agricultural land in this part of the City of Oakley. The Surrounding private parcels have already been proposed, approved for, or developed as, residential or commercial uses, and this area has been planned as a restoration/open space site by the City of Oakley's General Plan (see section 3.10.1, Regulatory Framework). As noted previously, the City's General plan considered the secondary effects of eliminating agricultural land use patterns in the Dutch Slough Restoration Project when it designated the area Delta Recreation and open space. In addition, the Dutch Slough Project incorporated applicable CALFED mitigation measures described in the setting section above, which further reduce project impacts to agricultural resources. That analysis concluded that elimination of these lands would have a less than significant effect on the availability of agricultural land within the County. Therefore the impact of the loss of Dutch Slough Project and Related Projects agricultural lands would be less than significant.

SIGNIFICANCE AFTER MITIGATION

Less than significant impact; no mitigation required.

IMPACT 3.10.1-2: CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT: DUTCH SLOUGH RESTORATION PROJECT (ALL OPTIONS) AND RELATED PROJECTS

The Dutch Slough Restoration Project is consistent with the site's General Plan designations (see Section 3.9, Land Use). The City of Oakley uses the Contra Costa County zoning designations until such time that the City adopts its own zoning. The City Community Park Project and Ironhouse Project also would be consistent with City zoning. The Dutch Slough Restoration Project site and the park site are zoned A-3 Heavy Agricultural while the Ironhouse parcel is zoned A-2 General Agricultural. Contra Costa Zoning Code (section 84-38.404) for both A-2 and A-3, which is currently used by the City of Oakley, allows for the use of land if a land use permit is obtained from the City (Contra Costa County 2006). This area is not designated as an area of agricultural significance by the Contra Costa County General Plan and is identified as Delta Recreation by the City of Oakley General Plan (City of Oakley General Plan, chap. 6). Thus, impacts from conflicts with existing zoning for agricultural uses would be less than significant**.**

SIGNIFICANCE AFTER MITIGATION

Less than significant impact; no mitigation required.

IMPACT 3.10.1-3: OTHERWISE RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE: DUTCH SLOUGH RESTORATION PROJECT (ALL OPTIONS) AND RELATED PROJECTS

Land to the east of the project site (East Cypress Corridor Specific Plan Area) is planned for development and land south of the project site has recently been developed. These developments resulted in agricultural land conversion to urban uses, but these developments are independent of the Dutch Slough Restoration Project, and their impacts would not be a result of the Dutch Slough Restoration Project. No other conversion of agricultural lands or impacts to agricultural lands has been identified from the Dutch Slough Restoration Project. A historic ranch house is proposed to be preserved by the City Community Park Project and could serve to provide a historic connection to past agricultural activities at the site. Therefore there is no impact and no mitigations are required from this proposed impact.

IMPACT 3.10.1-4: CUMULATIVE CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE IMPORTANCE TO NON-AGRICULTURAL USE: DUTCH SLOUGH RESTORATION PROJECT (ALL OPTIONS) AND RELATED PROJECTS

The proposed Dutch Slough Restoration Project, Ironhouse Project, and City Community Park Project would result in conversion of approximately 1,274 acres of prime/unique farmland and farmland of statewide and local importance. The City of Oakley is undergoing significant development in the area surrounding the project site, which in combination with the proposed project would result in substantial acreages of agricultural land conversion.

Growth trends or uses of the properties in the area include a development expansion corridor to the north and east from the city of Oakley. Single-family residences are the primary growth industry as more citizens find it more feasible to purchase a home in the area and commute to the bay area for work. Farming at the project site became uneconomical as this land became more attractive and valuable for the rapidly expanding growth in eastern Contra Costa County and specifically within the City of Oakley's sphere of influence. Farmlands have become more isolated as urban encroachment surrounds existing farming operations, plus available farm product disposal facilities (e.g., creameries and wineries) were closed, thus increasing transportation costs and erosion of net income. Surrounding land use conflicts at the agricultural-urban interface have also increased including trespassing, theft and vandalism of farming equipment and buildings

In order to address the increasing concern over the loss of prime agricultural lands, Contra Costa County adopted a program to allow for the transfer or purchase of development credits (TDR/PDR). Other strategies for the continued viability of agricultural pursuits included preservation agreements with the County, granting conservation easements, direct purchase, leasebacks, tax benefits for agriculture open space land, purchase or transfer of development rights, clustering development, establishment of an agricultural soils trust fund, and agricultural mitigation fees or land dedication (in-lieu-fee). In response to the proliferation of five-acre "ranchettes", the County adopted a resolution establishing rural residential development of ranchettes as an inappropriate use of prime agricultural land. Finally, the Contra Costa County General Plan incorporates an Urban Limit Line (ULL) and has established a minimum 40-acre lot size for prime agricultural lands outside the Urban Limit Line.

In addition, the Oakley General Plan includes many policies and programs that when implemented would reduce impacts associated with the conversion of agricultural land to non-agricultural uses. The General Plan EIR identifies 19 general plan policies and programs that would mitigate the

impact of agricultural land use conversion. The City's General Plan EIR determined that "Implementation of the General Plan would reduce this impact to less than significant level" (City of Oakley 2002).

Larger tracts of agricultural lands on Bethel Island, to the north, across Dutch Slough from the project site, are protected by County zoning that strives to protect agricultural uses and recognizes the extreme flood hazards on those subsided parcels. Similarly, agricultural use of Jersey Island is protected by zoning, flood hazards, and its ownership by the Ironhouse Sanitary District, which uses its land as sewage disposal spray fields. This would eliminate potential future loss of agricultural lands to the East.

The City and County General Plans and other factors limiting future conversion of agricultural lands, as described above, result in the cumulative impacts of the project and other local projects on the loss of agricultural lands being considered less than significant.

SIGNIFICANCE AFTER MITIGATION

Less than significant impact; no mitigation required.

Alternative 2: Moderate Fill

IMPACT 3.10.2-1: CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE SPACE AND RECREATIONAL USES (ALL OPTIONS)

Impacts to Agricultural Resources would be similar to under Alternative 1, except that greater acreage of the site is proposed to be marsh and less would be open water. Under Alternative 2, approximately 210 acres would be permanently converted to open water, 660 acres to marsh, and 80 acres would be uplands. Under this alternative, over 1.3 million cubic yards of soils would be moved from the higher parts of the site to fill in the deeply subsided parts of the site (along with 360,000 cubic yards of imported fill), which would then be flooded as marsh or open water.

IMPACT 3.10.2-2: CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT (ALL OPTIONS)

Potential impacts would be the same as under Alternative 1; no mitigation required.

IMPACT 3.10.2-3: OTHERWISE RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE (ALL OPTIONS)

Potential impacts would be the same as under Alternative 1; no mitigation required.

IMPACT 3.10.2-4: CUMULATIVE CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE IMPORTANCE TO NON-AGRICULTURAL USE

Cumulative potential impacts would be the same as under Alternative 1; no mitigation required.

Alternative 3: Maximum Fill

IMPACT 3.10.3-1: CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE SPACE AND RECREATIONAL USES (ALL OPTIONS)

Impacts to Agricultural Resources would be the similar to Alternative 2, except that a greater acreage of the site is proposed to be marsh and less would be open water. Under Alternative 3, approximately 110 acres would be permanently converted to open water, 830 acres to marsh, and 80 acres would be uplands. Under this alternative, approximately 1.3 million cubic yards of soils and another 1.7 million cubic yards of fill of unspecified origin would be moved from the higher parts of

the site to fill in the deeply subsided parts of the site, which would then be flooded as marsh or open water. Therefore only the uplands could potentially be reverted to agricultural uses; the remaining 940 acres would be permanently lost by filling and submersion.

IMPACT 3.10.2-2: CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT (ALL OPTIONS)

Potential impacts would be the same as under Alternative 1; no mitigation required.

IMPACT 3.10.2-3: OTHERWISE RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE (ALL OPTIONS)

Potential impacts would be the same as under Alternative 1; no mitigation required.

IMPACT 3.10.2-4: CUMULATIVE CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE IMPORTANCE TO NON-AGRICULTURAL USE

Potential impacts would be the same as under Alternative 1; no mitigation required.

Alternative 4: No Project

IMPACT 3.10.4-1: CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE SPACE AND RECREATIONAL USES (ALL OPTIONS)

Existing cattle grazing and vineyard uses at the project site could continue under the No Project Alternative consistent with the City zoning and land use designations, assuming they were economically viable. There would be no conversion of prime/unique farmland and farmland of statewide importance to non-agricultural uses. In the long term, it is possible that the site would be conveyed to another entity for other open space uses and conversion of agricultural land would be possible at that time, however the impacts would be the same in this event.

IMPACT 3.10.2-2: CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT (ALL OPTIONS)

No impacts would occur.

IMPACT 3.10.2-3: OTHERWISE RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE (ALL OPTIONS)

No impacts would occur.

IMPACT 3.10.2-4: CUMULATIVE CONVERSION OF PRIME/UNIQUE FARMLAND OR FARMLAND OF STATEWIDE IMPORTANCE TO NON-AGRICULTURAL USE

No impacts would occur.